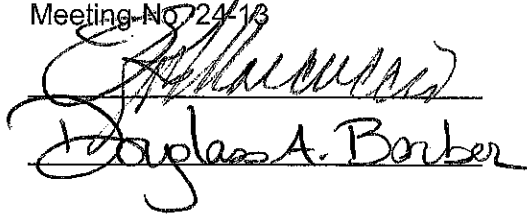


Approved: Meeting No. 24-13

Attest:



Douglas A. Barber

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
April 29, 2013
Meeting No. 15-13
7:00 p.m.

Present:

Mayor Phyllis Marcuccio, Councilmember John F. Hall, Jr., Councilmember Tom Moore, Councilmember Bridget Donnell Newton, and Councilmember Mark Pierzchala.

Staff Present:

City Manager Barbara Matthews, City Clerk/Treasurer Doug Barber, and City Attorney Debra Daniel.

1. Convene

The Mayor and Council convened in a regular meeting at 7:00 p.m. on Monday, April 29, 2013 in the Mayor and Council Chambers, City Hall, 111 Maryland Avenue, Rockville, Maryland.

2. Pledge of Allegiance

Mayor Marcuccio led the Pledge of Allegiance.

3. Agenda Review

City Clerk Doug Barber noted that additional materials for agenda item No. 15 became available after the briefbooks were delivered. These materials were posted to the web on Friday and hard copies were placed at the dais for the Mayor and Council.

4. City Manager's Report

City Manager Barbara Matthews reported:

- The City of Rockville hosted the annual conference of Maryland City-County Management Association and the approximate 30 conference participants were very impressed with our City. Ms. Matthews thanked Mayor Marcuccio for her welcoming remarks.
- On April 27th, 2013, the Rockville City Police Department participated in the Prescription Drug Take Back Day. Ms. Matthews commented on the success of the day and said that this is a popular and much needed program. The next Take Back Day is scheduled for October 2013.

- To kick off Bike Month in Rockville, the Rockville Bike Advisory Committee will host a family bike ride on May 5, 2012, that will begin and end at City Hall.

5. Appointments/Reappointments and Announcement of Vacancies

Motion: to reappoint Joseph Hansen as a member to the Historic District Commission until 04/01/16.

Moved by Councilmember Hall, seconded by Councilmember Pierzchala and unanimously approved.

Motion: to reappoint John Rodgers to the Rockville Sister City Corporation until 04/01/16.

Moved by Councilmember Newton, seconded by Councilmember Moore and unanimously approved.

Mayor Marcuccio announced that there are vacancies on the following Boards and Commissions: Board of Appeals, Financial Advisory Board, Human Services Advisory Commission, Human Rights Commission, Landlord Tenant Affairs Commission, Planning Commission, and the Retirement Board.

6. Proclamation Declaring May 5 - 11, 2013 as Public Service Week in Rockville

Councilmember Hall read the proclamation and presented it to Linda Moran, Assistant to the City Manager.

Motion: to proclaim May 5 - 11, 2013 as Public Service Week in Rockville.

Moved by Councilmember Hall, seconded by Councilmember Pierzchala and unanimously approved.

7. Proclamation Declaring May 2013 as Amyotrophic Lateral Sclerosis (ALS) Month in Rockville.

Councilmember Pierzchala read the proclamation and presented it to Tom Philipose, an ALS patient, and members of the ALS Association. Mr. Philipose spoke about the disease and how it has affected him.

Motion: to proclaim May 2013 as Amyotrophic Lateral Sclerosis (ALS) Month in Rockville.

Moved by Councilmember Pierzchala, seconded by Councilmember Hall and unanimously approved.

8. Proclamation declaring May 2013 as Historic Preservation Month in Rockville.

Councilmember Moore read the proclamation and presented it to Mary van Balgooy, Executive Director of Peerless Rockville.

Motion: to proclaim May 2013 as Historic Preservation Month in Rockville.

Moved by Councilmember Moore, seconded by Councilmember Pierzchala and unanimously approved.

9. Citizen's Forum

Citizen

Issue

Jan Seilhamer

Proposed FY14 budget and police officers' salaries.

Bob Eckman

Huge success of Science Day.

Joe Jordan

First amendment issue regarding the proposed parade guidelines. As proposed, may be a disadvantage to other potential candidates or any candidate not on a slate.

Noreen Bryant

Intersection at South Washington Street and Maryland Avenue is dangerous; does not think spending \$65,000 to hire a consultant for development in the city is a good way to spend our money.

Jim Vitol

Politicians have always been encouraged to participate in the parade; the main focus should be the veterans we have lost. Does not believe this should be a campaign event.

10. Mayor and Council's Response to Citizen's Forum and Announcements

Councilmember Moore - With respect to the parade, Councilmember Moore appreciates Mr. Jordan's concerns about changing the rules in midstream; the current policy as written violates the first amendment; treating political speech differently from other speech is something that a government should not do.

Councilmember Pierzchala – Made it clear that this was not a Team Rockville publicity grab; the question is can a unit carry a banner; does not object to limiting the size of units in parade; though what should the limit be?

Mayor Marcuccio – said that she has been asking for a review of the zoning regulations; we need to protect neighbors from the kind of development that has been occurring; current ordinance is lacking in this regard; we need to look at neighborhoods and see what is needed in order to preserve or extend rather than subject them to designs that are less than valuable for the community. Science Day was an absolute joy; almost 4000 in attendance.

11. Mayor and Council Reports

Councilmember Newton attended the Rockville Seniors meeting and said that attorneys would be available May 1, Law Day, at the Senior Center to assist anyone who would like to create or update their Advanced Medical Directive. She said that this is a free service and urged people to take advantage of it.

Councilmember Moore thanked Councilmember Newton for highlighting Law Day and noted that he is the Montgomery County coordinator for Law Day. He said that it is a terrific service that allows you to get a lot of your end of life decisions together.

12. Consent Agenda

Councilmember Pierzchala requested removal of Consent Agenda item A. He wondered why the City would not wait until the Fairfax bid is released. Charles E. Moone, the City's Energy Consultant, responded that they are in fact waiting until Fairfax receives their bid. This will allow Rockville to lock in a price. After we receive the results of the Fairfax bid, we then will decide where we are going.

Motion: to approve the Consent Agenda.

A. Delegate Authority to the City Manager to Award a Natural Gas Supply Contract

B. Approval of a One-Year Extension of the Interim Management Agreement Between the Mayor and Council of Rockville and Street Retail, Inc. (Federal Realty Investment Trust) to Temporarily Manage the Town Square Management District and the Plaza at Rockville Town Square

Moved by Councilmember Hall, seconded by Councilmember Newton and unanimously approved.

13. Public Hearing - FY 2014 Budget Public Hearing #3

Mayor Marcuccio opened the public hearing and the Mayor and Council heard from 4 speakers. There being no other speakers, Mayor Marcuccio declared the public hearing closed and said that the record would remain open until May 13, 2013, the date the FY14 budget is scheduled for adoption. A complete transcript of the public hearing can be found in the official file in the office of the City Clerk.

14. Worksession - FY 2014 Mayor and Council Budget Worksession #3

Erica Tompkins, Management and Budget Analyst, provided an overview of the changes to the FY 2014 Proposed Operating and Capital Improvements Program (CIP) budgets since they were presented to the Mayor and Council in March. These included changes to the operating revenue, operating expenditure, unobligated operating funds, CIP, as well as some modifications recommended by the City Manager.

The bulk of the change occurred in the General Fund due to additional highway user revenue, tax duplication revenue and police protection aide which represented an increase of \$1.6 million. Ms. Tompkins said that the City Manager is recommending using a portion of this additional revenue to: increase the City's cost of living adjustment by 0.5%; increase the transfer to the CIP by the additional highway user revenue of \$1.12 million to offset the federal CDBG grant reduction of \$10,777 with general fund proceeds. Ms. Tompkins noted that both Councilmember Pierzchala and Councilmember Hall had prepared analyses' that would be presented by them shortly.

Pedestrian Safety

The Mayor and Council asked staff to gather feedback from the East Rockville neighborhood about the proposed pedestrian safety improvements in the vicinity of the former Stonestreet Avenue Pedestrian Bridge.

Bridge Rehabilitation

This is new and is a result of the New Bridge Report received by the City. The amount of \$75,000 is proposed to remove the Stonestreet Pedestrian Bridge abutments. Councilmember Newton asked if staff had worked with the neighborhood on pedestrian improvements in place of the Stonestreet Avenue Pedestrian Bridge. Director of Public Works Craig Simoneau responded that the idea is to include the proposed money and then talk to the residents about the specifics (e.g., location of new streetlights, etc.). Mayor Marcuccio asked if it was possible to repair the existing fence that is located across from the former bridge location that is dilapidated. Mayor Marcuccio asked if it is necessary to remove the bridge abutments now and Mr. Simoneau responded that we want to be sure the area remains safe and doesn't draw people there unnecessarily. He also provided clarification on who is responsible for maintenance in the area.

Councilmember Hall's proposal:

- Provides for NO increases in City tax rates
- Maintains Rockville's high-quality services
- Preserves Rockville's AAA bond rating
- Maintains greater-than-required budget reserves
- Assures adequate payments to debt service
- Provides 2% increase to all City Staff
- Provides 2 additional City Police officers
- Provides additional funds to caregivers and outside agencies serving Rockville residents
- Provides an opportunity to fund overdue capital projects
- Spending better for all of Rockville

Councilmember Pierzchala's proposal:

- Outlined the Rockville history of salary and benefit increases from FY06 through FY13
- Discussed productivity - total population, miles of streets and staffing FTEs from 2000 to present
- Discussed unfinished business - protecting the City's AAA bond rating; anticipating CIP more than five years out; and compensation study
- The need for King Farm Farmstead stabilization and the possible formation of a task force to explore all the issues association with the Farmstead buildings

King Farm Farmstead

Councilmember Newton would like to explore the possibility of the Science Center using the King Farm Farmstead building.

Community Planning Development Services (CPDS) Consultant

Mayor Marcuccio - We need better zoning guidelines to make up for the inadequate provisions that currently exist; necessary to manage development in single family neighborhoods. Director of Community Planning Development Services Susan Swift responded that guidelines are needed and staff will bring this forward for a full discussion. Councilmember Newton expressed

concerns over the \$65,000 increase in connection with hiring a consultant to assist with improving the development review process.

Retiree Pension Fund

FY14 and 15 actuary valuation report shows funding status improvement so the amount we need to contribute is going down. We are fully funding what we should be. Councilmember Newton suggested the extra \$105,000 go to the retiree pension fund. Mr. Cohen responded that it could but it is not enough to really make a difference. Councilmembers Hall and Pierzchala do not support the supplemental employee contribution for FY14. Councilmember Newton would like more information on the 10% retirement contribution for future senior hires and some clarification concerning car allowance.

South Pool at the Swim Center

Councilmember Newton - has significant structural needs and suggested increasing the borrowing by \$1 million for this project and put the additional suggested borrowing, outlined in Councilmember Hall's proposal, toward reserves.

Accessible Pedestrian Signals (APS)

Councilmember Pierzchala – the push buttons on the traffic signals seem to get stuck and stop working. He wondered if it would make sense to stretch out the increased funding over a couple years. Emad Elshefi, Transportation Engineer, responded that it was a problem with the old ones but not so far with the new ones. Councilmember Pierzchala suggested reducing the dollar amount to APS for this year, put it toward reserves and use future speed camera revenue to fund the remainder of APS. Councilmember Moore suggested using some of the APS amount toward asphalt/repaving, stating that the more money we spend on paving needs the better off we are.

Rockville Rewards

Councilmember Hall will not support the Chamber's request for Rockville Rewards funding until the re-partner with the Rockville Scholarship Foundation. Mayor Marcuccio said that Rockville Rewards needs a new twist. She senses there are not as many participants giving discounts. It has become dull and needs a shot in the arm. Councilmember Newton would like to have a conversation with the Rockville Chamber of Commerce about that status of the Rockville Rewards program. She has heard from people that they were given cards for free.

Illegal Signs along Rockville Pike

Councilmember Newton suggested that the removal of illegal signs be done consistently by zoning inspectors over the next several months. She said that consistent enforcement may make a difference.

The Mayor and Council closed the discussion of the worksession.

The following motion was provided to give staff direction moving forward with the FY14 proposed Budget.

Motion: to direct staff to spend \$75,000 to get rid of the Stonestreet Bridget abutments.

Moved by Councilmember Moore, Seconded by Councilmember Pierzchala. The motion failed with Councilmember Moore and Councilmember Pierzchala voting for and Mayor Marcuccio, Councilmember Hall and Councilmember Newton voting against.

15. Adoption of Resolution to Revise and Adopt the City of Rockville Campaign Policy

With regard to Rockville 11 covering debates, the revised policy says that the City these may be held at city facilities and whether to televise debates live at City facilities or not. Councilmember Moore favors this change and would like to remove the requirement that debates must be held at City facilities and broadcast live. Councilmembers Hall and Newton agree with this.

Regarding the parade policies, Mayor Marcuccio does not believe that anticipating problems is the best approach. We do need basic regulations but until someone does something egregious, she does think a rule should be instituted.

Councilmember Hall said that the purpose of the Memorial Day Parade is to honor those who serve and sacrifice. He believes that we are outside our lanes when we look to discriminate between political and non-political activity in that context.

The Mayor and Council directed staff to retain the statement that *the City of Rockville holds non-partisan elections for the Mayor and Council*; and remove the statement that *written and video candidate statements will not be accessible through links from www.rockvillemd.gov*.

Motion: to approve the resolution to revise and adopt Campaign Policies for City of Rockville (Attachment G) with the language laid out in Attachments D (red lined) and attachment E (clean copy).

Moved by Councilmember Hall, seconded by Councilmember Moore, and unanimously approved.

16. Review and Comment Regarding Mayor and Council Action Report

Councilmember Pierzchala – Regarding the Town Center Parking update, there is some urgency to this issue in that many of the parties (Foulger Pratt, Choice Hotels and FRIT) do not want them to make a deal between themselves that violates the spirit of the incentives that we gave to the Choice Hotels building. Ms. Kimball responded that there is no risk of the City's agreements being jeopardized.

Councilmember Newton – Regarding Choice Hotels and garage spaces, you cannot find a spot to park. She would like to have a conversation as part of the overall garage issue. She asked if the daily, weekly and monthly numbers could be provided. This information is crucial in going forward with Phase II. Where are people going to park? There may be a need for a public parking garage and would like to see this discussion added to a future agenda.

17. Review and Comment Regarding Future Agendas

Councilmember Newton mentioned that there is no meeting on June 24 because of the MML Conference. She asked for clarification on the July meeting schedule and the dates that the Mayor and Council will not meet.

Mayor Marcuccio asked about the purpose of the Countywide Transit Corridors Functional Master Plan discussion scheduled for May 6. Ms. Matthews said it is to receive feedback from the Planning and Traffic and Transportation Commissions in order to draft testimony on behalf of the Mayor and Council.

18. Old/New Business

Councilmember Pierzchala agrees with Councilmember Newton's support to provide funding, in some amount, for the Farmstead Building at King Farm. Perhaps a task force might be in order, as well as a study to thoroughly examine the building; initial ballpark estimate on such a study is in the area of \$100,000; there many issues associated with that building and all the different threads need to be woven together; process needs to start. Mayor Marcuccio agrees with this.

Councilmember Moore - update on .gov domain issue and conflicting information from GSA. Councilmember Moore will follow up with GSA.

19. Adjournment

There being no further business, the meeting adjourned at 11:03 p.m.

Motion: to adjourn.

Moved by Councilmember Moore, seconded by Councilmember Newton and unanimously approved.